

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
APRIL 4, 2006
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Dan Gilbert.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Councilman Jimmy Alexander
Councilwoman Leslie Owens
Councilman Bob Wehba
Councilman Rodney Nelson
Councilman Barry Curl
Councilman Jeff Martinez
Councilman Stewart Shapiro

ABSENT

Vice-Mayor Nancy Olson

STAFF PRESENT

Pam Ramirez, City Clerk
Bob Jernigan, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, City Inspector
Scott Barrett, City Engineer
Wiley Rice, Jr., City Planner

2. Reading of a Proclamation declaring April 4, 2006, Putnam City Pirates State 6A Basketball Champions Day and presentations.

The Mayor read a proclamation declaring April 4, 2006 Putnam City Pirates Day in Warr Acres and then presented Coach Burtschi with the key to the city and each member of the team with special commemorative key chains.

3. Presentation of 20 year service pin to Police Lt. Hugh Osborn and a 15 year service pin to Officer Troy Mize.

Item A.

Councilman Nelson wanted to point out a statement that was in the minutes from March 9th on item 9. He read that the auditor said the financial is weakened due to the loan to the economic development and the general fund must get this money back. Councilman Shapiro stated that in item 13 there was a typo and his name was misspelled.

Motion by Nelson, second by Alexander to approve item A. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, abstain; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed.

Item B.

Councilman Shapiro asked why Ron's Total service does the police unit's oil changes. Chief Patty stated that a long time ago they cost it out and found that it was cheaper and more timely to have the oil changes done outside.

Motion by Nelson, second by Curl to approve item B except the claim for Mr. Simmons. Poll vote: Alexander, yea; Owens, nay; Nelson, yea; Gossman, nay; Martinez, nay; Curl, yea; Shapiro, nay; and Tardibono, nay.

Motion Failed.

Motion by Owens, second by Martinez to approve item B. Poll vote: Alexander, nay; Owens, yea; Nelson, nay; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed.

8. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, and City Planner. ****

Chief Patty stated that he thought that he would try and see how many warrants they could work and collect in one day. He said that in 8 hours they were able to collect \$1944.00. He said that they will try and do this 1 or 2 times a month. He also reminded everyone that there would be an auction coming up soon.

Clerk Ramirez stated that during the last couple of weeks or month or so during the recent elections there have been a lot of flyers going around that said this administration and staff and council do not inform the citizens of the city's financial situation. She said she begged to differ because since 2003 when she took the Clerk's position they have been very open to the public about the finances of the city. There have been numerous meetings; there are quarterly budget meetings. She said the reason she was bringing it up was because today while working on the 3rd Quarter Budget information she saw another flyer that said the citizens are never informed of the city's finances. She said that in the twelve years she worked for the city prior to becoming City Clerk she had no idea

what the money situation was and when she took over as Clerk, three years ago, she was very surprised to see what little money there was.

Sanitation Supervisor Hayes said that this past Saturday there were 36 residents that showed up to dump and there was one person that refused to sign the waiver and left. He reminded everyone that this is open on the 1st and 3rd Saturdays of each month.

Engineer Barrett said MacArthur is progressing well, they are working on getting the ½ poles removed. He said that he did not expect to see any money from the Ann Arbor project until June or July.

The Mayor announced the results of the run-off election. In Ward I, Robert Carter 114 and Stan Street 153 and Ward III, Leslie Owens 111 and Walter Johnson 117.

9. Questions and comments from Council members.

Councilwoman Owens said that she had enjoyed volunteering her time and wished Mr. Johnson the best of luck.

Councilman Curl said that Clerk Ramirez had taken some of the wind out of his sail on the issue of flyers and openness of city money. He said that he was not in any clicks with the IAFF or the FOP and that he had always run and represented the city with honesty and integrity. He said that the city has been open about spending and Clerk Ramirez always gets the answers promptly. He said that in 2002 the city started the Economic Development Authority and purchased the car dealership and in 1999 the city purchased property at 42nd and MacArthur for a future City Hall at a bargain price. He said that the revenue has far exceeded the expenditures of the property and if they had done what originally he wanted they would have enough money saved by now to start a new City Hall. He said that he would still like to see the city build a City Hall and Fire Station there and include a museum. He said to be a good leader you must have good vision for tomorrow and the city has done good on the property they have purchased. He asked the council to have a vision for the future and he stated that he had enjoyed serving.

Councilman Martinez thanked Councilwoman Owens for her tireless work and Councilman Curl for his years of service.

Councilman Shapiro stated that Councilman Curl could be a professor at a University the way that he talked. He said that he was impressed with all the issues Councilman Curl brought in. He also said that he was sad to have Councilwoman Owens leaving because she brought a youthful energetic light to the council and new and exciting ideas. He said that he admired her for being a very strong woman and the way she represented the people.

The council took a recess at 8:00 p.m.

The council returned from recess at 8:10 p.m.

10. Reports from Committees.

The Mayor dissolved the Utility committee.

CIP committee will meet with the council soon and the surveys were useful for top priority items.

The Real Estate committee is no more.

Bloodhound committee the staff needs to follow up and make progress, an email was sent to JC Penney about sale tax rate being charged. The Mayor asked Councilwoman Owens if she would stay on the committee.

Permit fee committee still needs some work.

Stormwater committee needs to meet and they need to know if Councilman Wehba will be replaced.

Payscale committee will get with the clerk to discuss for next budget.

Councilman Curl stated that he believed that over the last three years they have had some strong committee action with people showing up for meetings and fulfilling a purpose.

There will be a 3rd Quarter Budget Review on April 20th at 7:00 p.m.

11. Discussion and possible action on applying for the 2006 Fire Act Grant, authorization for the Mayor to sign the application and approval to reserve the 5% matching funds, in the amount of \$3,935.00 when preparing the FY2006-2007 CIP budget. *Carter*

Chief Carter stated that this item might seem a little premature since the grant will not come in until next fiscal year, however the paperwork must be done now. The department is applying for a grant that would provide the city with new SCBA's and cost around \$80,000 and the city would be required to provide matching funds of \$3,935.00. The department's current SCBA's are not compliant and must be destroyed within the next 5 years. He stated that he feels confident that the city will receive the grant.

Motion by Owens, second by Martinez to authorize execution of the application and show intent to fund the project in the FY 2006-2007 CIP Budget. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, out during the vote; and Tardibono, yea.

Motion Passed Unanimously.

Item 12 was heard after item 13.

12. Discussion and possible action on a proposal to contract with Millennium Financial Group to do collections of utility bills, tickets and warrants. *Jernigan*

Attorney Jernigan stated that this will be restricted to consumer debt or household charges only. He is not ready for the contract to be approved yet. He asked that the item be continued to the next meeting.

Motion by Martinez, second by Gossman to continue the item to the April 18th.
Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, out during the vote; and Tardibono, yea.

Motion Passed Unanimously.

Item 13 was heard after item 14.

13. Discussion and possible action on awarding Sanitary Sewer Project SS-001, Video Inspection of Interceptor Sewer Line - Phase 1, to the low bidder, Krapff Reynolds Construction Company, in the amount of nine thousand, five hundred, thirty six dollars and 54 cents (\$9,563.54) and directing the City Engineer to issue a Notice of Award and to request the contractor to execute the contract and provide the necessary bonds and insurance certificates. *Barrett* ****

Scott Barrett said that the normal process is to award the bid, then he will follow up with a letter to the contractor and the contractor must execute the contract and proper paperwork, then they have 30 days to begin the work and another 30 days to finish. He said that he had thought that if the city received bids from \$15,000 to \$19,000 they would be good and Krapff Reynolds really bid low. Councilman Nelson asked if there was a video of this line already and he was told there was an old video. He questioned why the city would waste money to have a video of a line that the city already knew needed work instead of just hiring someone to repair or replace the line. Mr. Barrett stated that this is so the city can determine what work needs to be done. Councilman Nelson said that the tapes 6 years ago showed the line was bad. Mr. Barrett stated that this will allow the city to know what the project will entail and estimate how much will be needed and budgeted in the CIP and Sewer Line Maintenance Budgets.

Motion by Owens, second by Curl to award the bid to Krapff Reynolds authorize the city to go forward with the money coming from the Sewer Line Maintenance Fund. Poll vote: Alexander, yea; Owens, yea; Nelson, nay; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, nay; and Tardibono, yea.

Motion Passed.

Item 14 was heard after item 11.

14. Discussion and possible action regarding a claim that was investigated by the city's insurance company OMAG, their recommendation is for denial, including discussion and action on entering into executive session as allowed under 25 O.S. Supp. 307 (B)(4), confidential communications between a public body and its

attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. *Jernigan*

Attorney Jernigan stated that this item was continued so that he and the Engineer could take a look at it. He said that after they investigated it they concur that they see no liability on the city. He stated that his recommendation was still to deny. Engineer Barrett stated that there is no evidence that the city was negligent. A third party caused the problem and there is no way to know who that was. Someone intentionally took the manhole cover off and stuffed tree limbs down in the sewer. He stated that it is a mess and he does sympathize, however the city did not cause the problem. Councilman Nelson asked if someone would state the amount of the claim. The Mayor stated that there were two estimates one for \$4500 and another for \$6000. Councilman Shapiro asked if there was breakage in the line and Mr. Barrett stated that there was not that there was a blockage in the line and it backed up. The Mayor asked if there was a motion and there was no response from anyone. She stated that it was clear that the Council was torn between the need of the resident and their obligation to the city. She then invited Mr. Kevin Davis, claimant, to speak so he addressed the council. He stated that he was denied by the city's insurance company and was told that with proper notification this could have been avoided. He said he has a hard time with that because the city was given 5 hours. He said they called the police department at around 10:00 a.m. and no one showed up until 2:00 p.m. He said that if they would have come out when first called they had plenty of time to take care of it before it became a major problem. They called when the water was slowly coming out of the manhole. He does not believe that what was taken out of the line was what caused the problem; he believes that it was roots and wants to see the city's inspection reports of the line and how often it is inspected. The estimates are to rebuild the area and they would like for the engineer to say how it should be repaired and how the line needs to be reinforced around so the area is not compromised again. He said that they also filed with their insurance and were denied.

Motion by Owens, second by Shapiro to enter into executive session. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

The council entered into executive session at 8:40 p.m.

The council returned to open session at 8:58 p.m.

Motion by Curl, second by Martinez to continue this item to the May 2nd meeting. Poll vote: Alexander, yea; Owens, yea; Nelson, nay; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed.

15. A. Discussion and possible action on an Ordinance amending Title 19, 19.04.020 BOCA code. ****

Attorney Jernigan stated that this Ordinance was prepared as discussed at the last meeting.

Motion by Curl, second by Alexander to approve the Ordinance that will be #1017. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

- B. Approval of emergency clause.

Motion by Owens, second by Martinez to approve the emergency clause. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

16. A. Discussion and possible action on an Ordinance amending Title 19, 19.64.010, Planning Commissioner removal. ****

- B. Approval of emergency clause.

Attorney Jernigan stated that there was a problem with the wording and asked for the item to be continued.

Motion by Martinez, second by Nelson to continue this item to the April 18th meeting. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

17. A. Discussion and possible action on an Ordinance amending Title 19, 19.40.130, exterior metal finishes. ****

Attorney Jernigan stated that this Ordinance was prepared as discussed at the last meeting.

Motion by Nelson, second by Martinez to approve the Ordinance that will be #1018. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

- B. Approval of emergency clause.

Motion by Owens, second by Martinez to approve the emergency clause. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

18. Discussion and possible action on an invoice submitted by ODOT for a final payment on a Signal Interconnect project, STPY-155A(069)TR, contract from July 1999. ****

Councilman Curl made the comment that everyone thought his NW Highway project was a long time. Attorney Jernigan stated he questioned whether this project was appropriated out of the 1999 budget. Councilman Alexander questioned why the city was receiving this 7 years later. Attorney Jernigan said that he has seen them as old as 10 years. Councilman Curl said that the invoice shows that the project goes all the way to Rockwell and the city does not go all the way. Councilman Nelson asked Councilman Curl if he didn't remember it stated down by the Highway on 39th and it was supposed to make the light synchronization all the way to Rockwell. The city council at the time agreed to pay for our section that was two lights. He asked again if they did not remember when they were talking about it when they put the full signalization at Grove that the city had this contract. Councilwoman Owens asked if this could come from Street and Alley monies. Clerk Ramirez stated that when she received the bill she had to call ODOT and ask them to send a copy of the contract because she could not find any information on this project and that the current computer system only has records back to 2000. She stated that she did remember the project from when she was the purchasing clerk but did not know details. She said that she sent a copy to Mr. Barrett and asked him about it but he did not know what it was. She also said that she had spoken with Crawford's office about the length of time that had past and the city's responsibility to pay the bill and was told that ODOT had a recent audit on old projects and have been billing out many cities for old projects that had never been settled.

Motion by Martinez, second by Nelson to continue this item to the April 18th meeting. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

19. Discussion and possible action on approval of merit increases for April pursuant to Title 2, Section 2.36.025, for William Jacobs and Antonio Velasco.
Tardibono

The questions were asked if these were in the budget and if they were the recommendation of the Mayor and the answer to both questions was yes.

Motion by Owens, second by Alexander to approve the merit increases. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

20. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

21. Adjournment.

Motion by Martinez, second by Gossman to adjourn. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:24 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
APRIL 4, 2006
7:00 p.m.**

(Following completion of regularly scheduled City Council meeting)

1. The meeting was called to order at 9:24 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chair Marietta Tardibono
Trustee Leslie Owens
Trustee Jimmy Alexander
Trustee Rodney Nelson
Trustee Bob Wehba
Trustee Barry Curl
Trustee Jeff Martinez
Trustee Stewart Shapiro

ABSENT

Vice-Chair Nancy Olson

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of March 7, 2006. ****

Motion by Nelson, second by Owens to approve the minutes. Poll vote:
Alexander, yea; Owens, yea; Nelson, yea; Gossman, abstain; Martinez, yea; Curl,
abstain; Shapiro, yea; and Tardibono, yea.

Motion Passed.

3. Approve payment of claim in the amount of \$57,221.49 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of March, 2006. ****

Motion by Owens, second by Martinez to approve the payment of the claim. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Martinez, second by Alexander to adjourn. Poll vote: Alexander, yea; Owens, yea; Nelson, yea; Gossman, yea; Martinez, yea; Curl, yea; Shapiro, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk